United Nations A/72/278

General Assembly

Distr.: General
3 August 2017

Original: English

Seventy-second session
Item 73 (a) of the provisional agenda*
Promotion and protection of human rights: implementation of human rights instruments

United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolutions 36/151 and 70/146. It describes the outcome of the forty-fifth session of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, in particular the expert workshop on victims of torture in the context of migration.

* A/72/150.

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I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with the arrangements approved by the General Assembly in its resolution 36/151, by which it established the United Nations Voluntary Fund for Victims of Torture. It presents the outcome of the forty-fifth session of the Board of Trustees of the Fund, held in Geneva from 24 to 28 April 2017. The present report complements the report on the activities of the Fund submitted to the Human Rights Council at its thirty-fourth session (A/HRC/34/17), in March 2017.

B. Mandate of the Fund

2. The Fund receives voluntary contributions from Governments, non-governmental organizations and individuals. In accordance with its mandate and the practice established by its Board of Trustees, the Fund provides grants to established channels of assistance, including non-governmental organizations, associations of victims and members of their families, private and public hospitals, legal clinics, public interest law firms and individual lawyers, that submit project proposals involving medical, psychological, social, financial, legal, humanitarian and other forms of direct assistance to victims of torture and members of their families.

C. Administration of the Fund and the Board of Trustees

3. The Secretary-General administers the Fund through the Office of the United Nations High Commissioner for Human Rights (OHCHR) with the advice of the Board of Trustees, which is composed of five members acting in their personal capacity and appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments. The Board is currently composed of Maria Cristina Nunes de Mendonça (Portugal), Anastasia Pinto (India), Mikołaj Pietrzak (Poland) and Gaby Oré Aguilar (Peru). In February 2017, Morad el-Shazly resigned due to other professional commitments. The mandates of Ms. Pinto and Ms. de Mendonça will end in October 2017, upon conclusion of their second terms.

II. Forty-fifth session of the Board of Trustees

4. The forty-fifth session of the Board, held in Geneva from 24 to 28 April 2017, was chaired by Ms. Aguilar. At the session, the discussions focused on the decreasing income of the Fund in 2016 and the criteria for the distribution of available resources through a comparative review of project proposals, as well as a thematic knowledge-sharing exercise in the field of redress and rehabilitation of victims of torture in the context of migration.

A. Management of the Fund's project portfolio

5. The Board took stock of the implementation of the revised policy for the management of the Fund's project portfolio (see A/69/296, paras. 11-15) over the last three years and considered its continuous implementation in 2018 in the light of the reduced income secured since 2016. The data showed that the introduction in 2014 of "competitiveness" into the yearly review of project proposals based on both

merit and needs criteria resulted in: (a) enhanced quality; (b) more equitable geographic distribution of resources; (c) a larger capacity-building component; and (d) an enhanced response by the Fund to new and emergency situations. The introduction of a life-cycle approach to the management of projects, including clearer entry and exit policies of project grants, has also assisted the Fund in better aligning its portfolio with the geographic and thematic priorities of the United Nations. The Board expressed its satisfaction with the implementation of the 2014 policy thus far and recommended that those objectives continue to guide the Fund's operations in 2018 and beyond.

6. Furthermore, the Board reaffirmed the view that the main bulk of the Fund's available resources should continue to be channelled through annual regular grants for the provision of direct assistance to victims of torture and their family members. The Board recommended that the number of projects to be awarded on a yearly basis be further brought down to a more sustainable and verifiable portfolio of 140 to 150 regular grants for direct assistance per year in 2018, down from 256 in 2014 and 166 in 2017, with due attention to geographic and thematic considerations and support for new and long-standing implementing partners.

7. In order to monitor the implementation of its policy, the Board recommended that the Secretariat continue to collect data and provide yearly analysis of the implementation of the Fund's policy.

8. Finally, the Board underlined the need for more visibility and fundraising efforts, as well as the need to better diversify the donor basis of the Fund. The Board also noted that, although the Fund has been directed to comply with the requests of donors to improve the accountability and management of the Fund, that has yet to translate into an increased level of funding.

B. Knowledge-sharing

Expert workshop on torture in the context of migration

9. On 26 and 27 April 2017, in Geneva, the Board of Trustees convened the third annual expert workshop on torture in the context of migration, with a focus on the current challenges in the early identification of victims of torture, redress and rehabilitation. The topic chosen for this year's discussions was particularly timely and necessary, given the harsh reality of torture in the context of migration. Millions of people are on the move, many of whom have suffered torture, whether in their countries of origin, during their journeys or even in host countries. The Fund's work has revealed that two thirds of the nearly 50,000 victims of torture assisted every year by organizations awarded grants by the Fund are migrants or refugees. That figure highlights the need for prompt and specialized responses to protect and promote their rights.

10. The workshop brought together 20 professionals from various backgrounds (including medical, psychological, social and legal) from rehabilitation centres financially supported by the Fund (see annex), along with all members of the Committee against Torture, the Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons, Cecilia Jimenez-Damary, and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer.

11. The workshop was part of the annual series of expert discussions, initiated as a best practice in 2014 as part of the Fund's new mission statement, with the aim of collecting and disseminating expertise on redress and rehabilitation of victims of torture. The workshop enabled an informed discussion on the links between torture

and migration, with a focus on the rights and needs of victims of torture; it also facilitated the sharing of practices and lessons learned on techniques for the early identification, redress and rehabilitation of victims of torture in migration, as well as on successful approaches and developments in the delivery of assistance to victims of torture in migration.

12. The workshop was organized around three panel discussions and is summarized in a report available on the Fund's website (www.ohchr.org/torturefund).

13. The main recommendations and findings of the workshop were as follows:

Human rights context and framework

(a) More people are on the move today than ever before. These large movements are increasingly complex and perilous, with migrants increasingly subjected to human rights violations along the way. An alarmingly high proportion of migrants and refugees have been subjected to torture in their countries of origin, along the migration route and/or in host countries. The gravity of the practice of torture in migration must be acknowledged and tailored responses urgently designed and implemented;

(b) The response to torture victims in the process of migration must be guided by international human rights law and international refugee law, including the absolute prohibition of torture, the right to non-refoulement and the right to redress and rehabilitation. Victims of torture are entitled to their rights as human beings and torture victims first, independently of their legal status, and they require special protection and specialized assistance, which can and should take place at any point along the migration route;

(c) There is, however, a critical protection gap regarding migrants and refugees who, while having suffered torture, may nevertheless not qualify for international protection. For example, those who migrate because of extreme poverty, lack of access to education, health, decent work or food and water, or as a result of separation from family, gender inequality, natural disasters, climate change or environmental degradation, may not fit into any established category, but may have still suffered torture or be vulnerable to torture, and therefore require protection. The international legal framework provides protection to all persons, including migrants and refugees, regardless of the reason for their mobility or legal status. There is a need to understand the application of the international framework to refugees and migrants in situations of vulnerability and to provide guidance to States and other stakeholders on how to operationalize that framework;

(d) While national normative contexts vary widely, ranging from an absence of legal recognition of migrants and refugees to comprehensive legislative frameworks, there is an increasing tendency for national migration policy to focus on deterrence rather than on human rights protection. The constant fear of deportation, the uncertainty of prolonged asylum determination processes and the administrative detention of migrants, among other policies, are particularly detrimental to torture survivors, often leading to retraumatization. Torture survivors are protected by the principle of non-refoulement and are entitled to an individual assessment, including abbreviated asylum determination processes and other special protection measures; they should never be detained on the basis of their migration status;

(e) The rising xenophobia and discrimination in many contexts is also contrary to human rights and may aggravate the symptoms of torture survivors. Racism, marginalization and mistrust of migrants and refugees must be countered by a narrative of solidarity and recognition of their rights and their positive contributions to society, thereby fostering a climate of acceptance, trust and respect. Awareness

should be raised about the ordeals that migrants and refugees have survived, including torture, in order to provide a positive message about their resilience.

Early identification and specialized response

(f) Torture victims in migration must be at the centre of any response aimed at gaining access to their rights to redress and rehabilitation. Services and support should seek to empower them to make their own decisions. They should lead processes regarding the definition and delivery of assistance and their voices must also be at the centre of advocacy efforts for redress;

(g) In order to access protection and assistance, migrants and refugees must first be identified as torture survivors. The earlier the identification takes place, the more adapted the response and the more likely retraumatization in transit settings may be avoided. However, where it is not possible to prevent further traumatization, it may at times be better not to intervene. Early identification should be linked to gaining access to protection measures, basic services and, where possible, rehabilitation. The numerous challenges of early identification, in particular in mass migration and transit settings, can be surmounted, including through self-identification and other tools;

(h) Migrants and refugees should be informed of the importance of sharing accounts of any torture that they have suffered and be provided a safe and humane environment in which to tell their stories without fear. Appropriate early identification tools and mechanisms for referral to specialized services must be put in place. Those tools can range from simple questionnaires for preliminary screening to the in-depth documentation of torture, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Migrants should always be provided with a copy of any written documentation about their case. Service providers, including non-specialists, should be trained to screen torture survivors in the migrant population, including by detecting early warning signs of trauma and providing information and a safe environment.

Addressing intersecting vulnerabilities

(i) The needs arising from the specific vulnerabilities of torture survivors in migration must shape the response. Surviving torture leaves a person vulnerable, and being forced to migrate, often under life-threatening circumstances, compounds that vulnerability. Survivors not officially recognized as refugees, such as internally displaced persons, stateless persons and migrants caught up in complex migrant flows, have an additional level of vulnerability;

(j) Migrant torture survivors with additional intersecting vulnerabilities face further challenges that require specialized responses. Those who are particularly vulnerable include unaccompanied minors, women and persons with disabilities. The early identification of such individuals through systematic monitoring is crucial, in particular with regard to "blind spots", such as migrant detention facilities, where States have full authority over migrants and refugees, in order to ensure that specialized and customized rehabilitation can be offered as soon as possible.

Redress and rehabilitation while on the move

(k) Torture victims in the context of migration have the right to remedy, including access to justice, restitution and compensation. That right tends to be overlooked for torture survivors in migration and, if addressed at all, it is usually only once the legal status of migrants or refugees has been resolved. Torture victims

must be given a central role in the justice process. Clear and binding procedures and standards that serve as firewalls separating the criminal justice system from immigration officials should be applied to ensure that migrants, regardless of their status, can access justice without fear of deportation and detention;

(l) The right of torture survivors to rehabilitation is all the more necessary and challenging in the migration context, in particular in transit settings. The symptoms of marginalization and isolation, common to torture victims, is compounded in migration owing to unknown, precarious and frequently hostile contexts. Some psychological symptoms of torture survivors can also hinder the social integration of migrants into their new environments. The vicious cycle can and must be broken through rehabilitation services;

(m) Rehabilitation of torture survivors in migration should have a holistic approach, targeting mental, physical and social aspects. Rehabilitation models, ranging from the western medical model of individualized attention to alternative community-based models, can often be complementary. Alternative models may at times be more adapted to the specificities of the migration context, including language and cultural barriers, in particular given that mental health issues often carry a stigma in various cultures;

(n) Rehabilitation models that are specifically tailored to migration settings often focus on functionality, helping survivors to go about their daily lives in a foreign context. Improving functionality also requires the provision of basic services, such as food, housing, health and legal assistance, in ways that are participatory and respect dignity and autonomy. In addition to facilitating integration and gaining a sense of belonging, community-based responses and access to peer support can help migrant torture survivors to learn about the services available and reduce the stigma of seeking assistance. Where individualized attention is desirable and possible, secure spaces in which victims can speak with professionals on a confidential basis, even when on the move, are required;

(o) The rehabilitation strategy required at each stage of the migration journey may vary. The transit setting is particularly challenging owing to the ongoing risk of torture and re-traumatization. Migrants and refugees may build psychological shields to protect themselves, shields that should not be broken prematurely outside a safe environment. In contexts where the torture victim cannot yet achieve stabilization, such as being in-transit or experiencing protracted insecurity of legal status, short-term solutions could focus on immediate material support, building resilience, coping strategies and maintaining stability. Longer-term solutions include more in-depth rehabilitation services and community-based responses.

Further understanding

(p) More research into and analysis of victims of torture within the flow of migrants and refugees is required. There is also a need for further exchange among States, international organizations and frontline professionals and advocates. First-hand experience, combined with greater data, should inform the effective provision of redress and rehabilitation for torture survivors in migration, raise awareness and inform legislative and public policy changes.

C. Increased outreach

14. On 28 April 2017, following the two-day expert workshop, the Board of Trustees convened a panel discussion entitled "A victim's journey: redress and rehabilitation for torture victims in migration". The discussion was open to all

Geneva-based Member State delegations, intergovernmental organizations, civil society and the media.

15. The panel participants included the United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, and six practitioners from grantee organizations of the Fund. The event was attended by representatives of 28 permanent missions, as well as the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, civil society actors and the media, including United Nations Television and United Nations Radio. The event received additional media attention, including on social media. Three videos were produced by the Fund featuring the issue of torture in the context of migration and posted, inter alia, to social media.

16. The event enabled professionals from organizations supported by the Fund, including medical doctors, psychologists, jurists and social workers, to exchange experiences on ways to better support the identification, redress, rehabilitation and empowerment of victims of torture in migration. Participants also included a survivor of torture who has created a survivor-led activist network.

III. Coordination with other torture-related United Nations human rights mechanisms

17. In the reporting period, the Board continued to pursue cooperation with the other United Nations torture-related mechanisms and to invite them to participate in the annual expert workshop and the related public event. The following experts were invited to participate: the members of the Committee against Torture; the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, José Brillantes; the Chair of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Malcolm Evans; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the human rights of migrants, François Crépeau.

18. In addition, on 28 April 2017, the Board met with the Special Rapporteur on torture to exchange ideas on issues of common interest. The meeting was another step towards consolidating a cohesive United Nations anti-torture front in the face of persistent torture and ill-treatment. The action-oriented discussion yielded an agreement to explore ways of including the Fund in the interactive dialogue of the anti-torture mechanisms at the General Assembly.

IV. United Nations International Day in Support of Victims of Torture

19. On 26 June 2016, the International Day in Support of Victims of Torture was commemorated by a panel discussion organized by the International Bar Association and OHCHR at King's College, London.

20. The panel participants included the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, the former Special Rapporteur on torture, Juan Mendez, barrister and member of the House of Lords, Helena Kennedy, the Executive Director of the International Bar Association, Mark Ellis, and a human rights lawyer from Zimbabwe, Beatrice Mtetwa. Some 200 participants attended the public event, which was broadcast live globally through a webcast.

21. During the discussion, the High Commissioner emphasized that torture has a cost that is not only felt at the individual level, but also pervades entire families and communities. Its long-lasting impact can be transmitted across generations and it can deeply corrupt society as a whole by spreading fear and intimidation.

22. Furthermore, the High Commissioner noted that, despite its absolute prohibition under international law, torture persists across every region and in many countries. Providing urgent and comprehensive assistance to torture victims is not charity, it is a legal obligation of States, as stipulated in article 14 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The provision of reparation to victims has an inherent preventive and deterrent effect in relation to future violations. Member States should provide full support for all United Nations anti-torture mechanisms, including providing access to their detention centres, fulfilling their reporting obligations and ensuring full funding to unique grant-making instruments that have a victim-centred approach, such as the Fund.

23. In addition, to mark the International Day, a joint statement was issued by the Committee against Torture, the Subcommittee on Prevention of Torture, the Special Rapporteur on torture and the Board of Trustees of the Fund. In the statement, they emphasized that the right to be free from torture cannot be violated by States under any circumstances and noted that the violation of that right destroys the fundamental human dignity not only of the victims but also that of the perpetrators. Furthermore, they noted that it is equally important that States observe their obligation to provide effective and prompt redress and rehabilitation to victims of torture and their families by providing the resources urgently needed to respond to the plight of the thousands of torture victims around the world.

24. Finally, they reaffirmed that the obligation to end torture requires a renewed commitment from every Member State to eradicate the conditions and circumstances conducive to its practice. All countries should incorporate legal safeguards into national laws to prevent such conditions from arising and to put the rights of the victims to redress and rehabilitation at the centre of their efforts in this regard.

V. Financial situation of the Fund

25. In 2016, the Fund received voluntary contributions exceeding $7.5 million, which represents a worrying decrease in comparison with the previous few years (see table below). In 2015 and 2014, the voluntary contributions exceeded $9 million.

Contributions received from 1 January 2016 to 31 December 2016

Donor	*Amount (United States dollars)*	*Date of receipt*
States		
Algeria	5 000	22 November 2016
Andorra	11 099	29 July 2016
Argentina	15 000	1 March 2016
Austria	21 231	1 December 2016
Canada	44 148	17 February 2016
Chile	5 000	6 May 2016
Czechia	7 819	22 December 2016
Denmark	447 890	16 March 2016
France	22 676	31 May 2016

Donor	*Amount (United States dollars)*	*Date of receipt*
France	106 157	7 December 2016
Germany	445 931	7 June 2016
Germany	207 609	21 November 2016
Holy See	2 000	17 October 2016
India	25 000	15 January 2016
Ireland	39 459	19 April 2016
Kuwait	10 000	23 February 2016
Liechtenstein	25 075	8 March 2016
Luxembourg	16 760	23 August 2016
Mexico	10 000	2 December 2016
Morocco	2 000	27 December 2016
Norway	95 270	20 June 2016
Peru	1 470	3 August 2016
Saudi Arabia	75 000	3 June 2016
Switzerland	197 239	14 December 2016
United Arab Emirates	10 000	25 February 2016
United States of America	5 696 321	24 October 2016
Individual donors	**7 464**	
Total	**7 552 608**	

26. The Fund expects its income to reach the $9 million mark in 2017, which will still be far from the $14 million requested for assistance in 2018 and the $12 million target, which is the amount estimated by the Board as being the threshold for enabling the Fund to meet all demands, including those made in the context of emergency and humanitarian crises.

VI. How to make a contribution to the Fund

27. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. For more information on how to contribute and further details about the Fund, donors are requested to contact the secretariat of the United Nations Voluntary Fund for Victims of Torture, Office of the United Nations High Commissioner for Human Rights, United Nations, CH 1211 Geneva 10, Switzerland; email: unvfvt@ohchr.org; telephone: 41 22 917 9624; fax: 41 22 917 9017.

28. Donations can also be made online at http://donatenow.ohchr.org/torture. Information on the Fund can be found at www.ohchr.org/torturefund.

VII. Conclusions and recommendations

29. **The complexity of the contexts and crises in which torture takes place has grown in recent years. Alarmingly, two thirds of the torture victims receiving support from the Fund in 2017 have been migrants or refugees. The often precarious situation of torture survivors in migration is frequently exacerbated by other intersecting vulnerabilities. The need for redress and rehabilitation,**

which is more pressing and urgent than ever, should be tailored to the specific needs of victims of torture in migration.

30. In accordance with the international legal framework, States are obliged to ensure that the absolute prohibition of torture is fully enforced, including in the context of migration. It is equally important that they observe their obligation to provide effective and prompt redress and rehabilitation to victims of torture and their families by making available the resources urgently needed to respond to the plight of thousands of torture victims.

31. In the light of the expert discussions facilitated by the Fund at its forty-fifth session, the Secretary-General supports the recommendations of the Board and calls upon States and the international community to:

(a) Ensure that human rights are at the centre of national and international laws and policies addressing migration and that migration governance is consistent with the obligations of States under international human rights law, including the absolute prohibition of torture, the right to non-refoulement and the right to redress and rehabilitation;

(b) Protect vulnerable migrants and refugees who have suffered torture and may not qualify for international protection, building on the principles and practical guidance on the protection of the human rights of migrants and refugees in vulnerable situations developed by the Global Migration Group;

(c) Highlight the need and importance of providing redress and rehabilitation to victims of torture in the context of migration;

(d) Support skills-building and training initiatives to enable practitioners to share their experiences and strengthen their capacity to provide assistance to victims of torture within migration flows;

(e) Implement awareness-raising campaigns about the realities facing torture victims in the context of migration, including through the media, in order to encourage public policy responses and solidarity towards these migrants;

(f) Involve existing capacity and resources at the national level, such as civil society organizations, physicians, lawyers and psychologists, who are often equipped to provide assistance that takes into account the vulnerability of victims, including with respect to gender, ethnicity, sexual orientation or health status.

32. The Fund is a lifeline of last resort when States neglect their obligation to prevent torture and fail to provide torture victims with effective and prompt redress, compensation and appropriate forms of rehabilitation.

33. The Board estimates that the Fund would need to receive $12 million on a yearly basis in order to respond adequately to the ever increasing demands for assistance, in particular in the face of today's large-scale human rights crises and conflicts.

34. The Secretary-General urges Member States and other stakeholders to contribute to the United Nations Voluntary Fund for Victims of Torture and stresses that contributing to the Fund is a concrete manifestation of the commitment of States towards the elimination of torture, in line with the Convention against Torture, in particular article 14 thereof. The Fund would require $12 million on a yearly basis in order to respond adequately to the high demand for assistance.

Annex

List of participants in the two-day expert workshop on torture victims in the context of migration, held on 26 and 27 April 2017

Board of Trustees

Gaby Oré Aguilar (Chair)
Mikołaj Pietrzak
Maria Cristina Nunes de Mendonça
Anastasia Pinto

Invited experts

Eva Abu Halaweh, Mizan Law Group for Human Rights (Jordan)

Alberto Barbieri, Doctors for Human Rights (Italy)

Ana Elena Barrios, Fray Matías de Córdova Human Rights Centre (Mexico)

Eva Barnewitz, vivo international (Germany)

Anette Carnemalm, Swedish Red Cross (Sweden)

Bernice Carrick, The Humanitarian Group (Australia)

Chris Eades, human rights lawyer

Mark Fish, Room to Heal (United Kingdom of Great Britain and Northern Ireland)

Christy Fujio, Heartland Alliance International (United States of America)

Kolbassia Haoussou, Survivors Speak Out Freedom from Torture (United Kingdom)

Suzanne Jabbour, Restart Centre for Rehabilitation of Victims of Violence and Torture (Lebanon)

Lucy Kiama, HIAS Kenya (Kenya)

Veronica Laveta, Centre for Victims of Torture (United States)

Yusrah Nagujja Kuteesa, Refugee Law Project (Uganda)

Jürgen Schurr, REDRESS (United Kingdom)

Bojana Trivuncic, International Aid Network (Serbia)

Xavier Vincent Pereira, Health Equity Initiatives (Malaysia)

Rosa Vieira, Institute of Religious Studies (Brazil)

Hamsa Vijayaraghavan, The Asa Trust (India)

Daniel Witko, Helsinki Foundation for Human Rights (Poland)

Other participants

Cecilia Jimenez-Damary, Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons

Nils Melzer, Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment

Jens Modvig, Chair, Committee against Torture

Members of the Committee against Torture

Inmaculada Arnaez, European Border and Coast Guard Agency (Frontex)

Asger Kjærum, International Rehabilitation Council for Torture Victims

Gianfranco De Maio and Gail Womersley, Doctors without Borders

Gerald Staberock, World Organization against Torture

Kristina Touzenis, International Organization for Migration

Pieter Ventevogel and Sarah Elliott, Office of the United Nations High Commissioner for Refugees